

IN RE: PETITION FOR ZONING VARIANCE
W/S Oak Avenue, 300' N
Middleborough Road
212 Oak Avenue
15th Election District
5th Councilmanic District
Benjamin F. O'Neal, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-46-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1 to allow a building lot with a width of 50 feet and a side yard setback of 8 feet in lieu of the required 55 feet and 10 feet respectively, in accordance with Petitioners' Exhibit 1.

The Petitioners appeared and testified and were represented by James C. Brennan, Esquire. However, the Petitioners were represented at the hearing by John Hennegan, Esquire of Romadka, Contrum and Hennegan. There were no Protestants.

Testimony and evidence indicate that the subject improved lot, known as lot #31, known as 212 Oak Avenue, consists of 7,690 sq. ft., zoned D.R.5.5, is improved with an existing family dwelling and has been continuously owned by the Petitioners in the community known as Recreation Grove. The adjacent lot #30 is also owned by the O'Neals, but undeveloped. The Legal Owners intend to convey said lot to their adult daughter, Kimberly Ann Tiemann, for the purpose of constructing a residence thereon.

The evidence and testimony tends to indicate that Recreation Grove, the subdivision for both of these lots, was established in 1922. All of the lots in this subdivision were originally developed as 50 foot wide for lots for single family dwelling units. Most of the entire neighborhood is

also developed as single family dwelling units on individual lots of 50 feet in width. The Petitioners own no additional residential acreage and to deny this variance would cause this individually deeded and platted lot to be rendered undevelopable from a residential perspective.

The Petitioners provided persuasive evidence as to the standards established for an area variance pursuant to Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). There was also evidence presented as to the standards established in Sections 307.2 and 500.14 concerning the requirements for granting a variance with the Chesapeake Bay Critical Area zone. The Petitioners testimony tends to indicate that the granting of the subject variance would be consistent with the standards established therein.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the

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public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or nonconforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

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- 2) Conserve fish, wildlife, and plant habitat; and

- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of August, 1989 that the Petition to allow a buildable lot with a width of 50 feet and a side yard setback of 8 feet in lieu of the required 55 feet and 10 feet respectively, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee

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PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-46-A CRITICAL AREA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 to allow a building lot with a

width of 50 ft. and a side yard setback of 8 ft. in lieu of the required 55 ft. x 10 ft. respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

- Strict compliance with the 55' minimum width regulation will unreasonably prevent the use of the property for a permitted purpose;
- The lot is serviced by sewer and water and contains 7,435 sq. ft., more or less;
- A 50' wide building lot is consistent with other properties in the zoning district;
- Relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	BENJAMIN F. O'NEAL
Signature	Benjamin F. O'Neal
Address	BARBARA R. O'NEAL
City and State	(Type or Print Name)
	Barbara R.O'Neal
	Signature
Attorney for Petitioner:	212 Oak Avenue (301) 686-3116
James C. Brennan, Esquire	Address
(Type or Print Name)	Baltimore, Maryland 21221
Signature	City and State
825 Eastern Boulevard	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	Name
Baltimore, Maryland 21221	Address
City and State	Phone No.
Attorney's Telephone No: (301) 687-3434	

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day

of 1989 that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of August, 1989, at 11 o'clock

A.M.

(over)

ORDER RECEIVED FOR FILING

Date 8/22/89 By J. Robert Haines

ORDER RECEIVED FOR FILING

Date 8/22/89 By J. Robert Haines

(ZAC), which are adopted in their entirety and made a part of this Order.

3. Petitioners shall comply with all requirements of the Zoning Plans Advisory Committee (ZAC) as set forth in the comments submitted by the Dept. of Environmental and Resource Management, dated July 31, 1989, attached hereto and made a part hereof.

4. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/mm

cc: Peoples Counsel

cc: Mr. Robert W. Sheesley, Director
Department of Environmental Protection and Resource Management

ORDER RECEIVED FOR FILING

Date 8/22/89 By J. Robert Haines

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: July 31, 1989

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 504
O'Neal Property
Chesapeake Bay Critical Area Findings

RECEIVED
AUG 8 1989
ZONING OFFICE

SITE LOCATION

The subject property is located at 212 Oak Road off Middleborough Road in Recreation Grove. The site is within the Chesapeake Bay Critical Area and is classified as a limited development area (LDA).

APPLICANT'S NAME Mr. and Mrs. Benjamin F. O'Neal

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.C.1 of the Baltimore County Zoning Regulations to allow a buildable lot with a width of 50 feet and a side yard setback of 8 feet in lieu of the required 55 feet and 10 feet respectively.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines
July 31, 1989
Page 3.

5. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Findings: There is no proposed construction on this lot and therefore no additional impervious surfaces will be created. However, the property has existing impervious surfaces that sum to 36% of the lot and therefore any future construction would not be approved.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project shall be approved.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman R. Lauenstein
The Honorable Dale T. Volz

CRITICAL AREA

DESCRIPTION FOR LOT NO. 31

BEGINNING FOR THE SAME at a point on the west side of Oak Avenue 30 feet wide at a distance of 100 feet measured northeasterly along the west side of Oak Avenue from the north side of Middleborough Road and being known as Lot No. 31 as laid out and shown on the Plat of Recreation Grove, said Plat being recorded among the Land Records of Baltimore County in Plat Book No. 7, folio 42. The improvements thereon being known as 212 Oak Avenue.

BRENNAN AND BRENNAN
ATTORNEYS AT LAW, P.A.
425 EASTERN BOULEVARD
ESSEX, BALTIMORE, MD. 21221

JAMES C. BRENNAN
ALFRED L. BRENNAN, JR.

TELEPHONE
(301) 587-3434

May 18, 1989

DEPRM
Room 416
New Courts Building
401 Bosley Avenue
Towson, Maryland 21204

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Attn: Mr. David Flowers

Re: Petition for Zoning Variance
Zoning Office Item No. 499
Lot No. 30, Plat Book 7/42
50' Wide Building Lot

Petition for Zoning Variance
Zoning Office Item No. 504
Lot No. 31, Plat Book 7/42
50' Wide Building Lot
8' Side setback

Dear Mr. Flowers:

Benjamin F. O'Neal and Barbara R. O'Neal, his wife, purchased Lot Nos. 30 and 31 on the Plat of Recreation Grove (7/42) by a Land Installment Contract dated December 16, 1964 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4409, folio 413. Subsequently, legal title was conveyed to Mr. and Mrs. O'Neal by Deed dated August 13, 1977 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr., No. 5791, folio 171 (copy enclosed).

Lot No. 31 is 50 feet wide and 157 feet deep and contains approximately 7,690 square feet. Mr. and Mrs. O'Neal's home, known as 212 Oak Avenue, Baltimore, Maryland 21221, is located on Lot No. 31.

Lot No. 30 is 50 feet wide and 151.8 feet deep and contains approximately 7,435 square feet. Lot No. 31 is unimproved.

Both Lot No. 30 and Lot No. 31 are serviced by public sewer and water.

DEPRM
Attn: Mr. David Flowers
May 18, 1989
Page Two

Mr. and Mrs. O'Neal desire to convey Lot No. 30 to their daughter, Kimberly Ann Riemann, so that she may build a new home. For this reason, Petitions for Zoning Variance (Zoning Office Item Nos. 499 and 504) have been filed requesting variances to permit 50 foot wide building lots in lieu of the 55 foot requirement. Also, with regard to Lot No. 31, the Lot on which Mr. and Mrs. O'Neal's home is located, they have requested a variance to permit an 8 foot side setback in lieu of the 10 foot requirement. A copy of the Plat which accompanied the Petition for Zoning Variance is enclosed.

Please accept this letter as your notification required by the attached Zoning Process.

If you require any further information, please do not hesitate to contact me.

Very truly yours,

James C. Brennan

JCB/klp

Enc.

P-605 061 599

RECEIPT FOR CERTIFIED MAIL
U.S. MAIL SERVICE
U.S. AIR MAIL SERVICE
(See Reverse)

DEPRM Attn: David Flowers
New Courts Building
Room 416, 401 Bosley Ave.
Towson, Md. 21204

Postage	.45
Insurance	.85
Special Delivery Fee	
Return Receipt Fee	
Registration Fee	.90
Other Fees	
Total	2.20

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional services requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:
DEPRM
Room 416
New Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Attn: Mr. David Flowers

4. Article Number
P 605-061-599
Type of Service:
☒ Registered
☒ Certified
☒ Insured
☐ COD

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
X *Mr. David Flowers*

6. Addressee's Address (ONLY if requested and fee paid)

7. Date of Delivery
5/15/89

Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT

PETITIONER'S
EXHIBIT 4

RE: PETITION FOR VARIANCE
212 Oak Avenue, 300'
S of Middleborough Road
(213 Helena Road) -
15th Election District
Henry W. Long, et al.
Petitioners

DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-299-A

The Petitioners herein request variances to permit lot widths of 50 feet in lieu of the required 55 feet.

Testimony by the Petitioner indicated that lots in the neighborhood were originally laid out in widths of 50 feet. Some of the older homes were built on one 50-foot lot, others on two lots. In the latter case, the house was generally centered within one of the 50-foot lots. Within the last five years, after obtaining variances, at least four new homes on the block have been built on 50-foot lots. On the subject site, there is an older home centered on one 50-foot lot with a garage in the rear of that same lot, as indicated on the plan filed. The Petitioners propose to construct a second dwelling on the other 50 foot lot. There were no Protestants.

Pursuant to the advertisement, posting of property, and public hearing on the Petition, it appearing that strict compliance with the Baltimore County Zoning Regulations (ZC 22B) would result in practical difficulty and unreasonable hardship upon the Petitioners; Baltimore County having reviewed the application involving property located in the Maryland Chesapeake Bay Critical Areas and having determined that it is consistent with the requirements of the State of Maryland to minimize adverse impacts on water quality and fish, wildlife, and plant habitat; and the granting of the requested variances not adversely affecting the health, safety, and general welfare of the community, the variances should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore

County, this 13th day of February, 1986, that the herein Petition for Variance to permit lot widths of 50 feet in lieu of the required 55 feet, in accordance with the plan submitted and filed herein, is hereby GRANTED from and after the date of this Order, subject, however, to the following restrictions:

- Compliance with the following mitigative practices designed to minimize adverse impacts on water quality and fish, wildlife, and plant habitat in the Maryland Chesapeake Bay Critical Area:
 - Plant and maintain no less than four (4) large deciduous trees, or eight (8) conifer trees, or sixteen (16) small deciduous trees on the lot, or a combination of these three classes of trees, all in accordance with the following formula:
 - (one) Large deciduous tree for each 600 sq.ft.
 - (two) Conifer trees for each 600 sq.ft.
 - (four) Small deciduous trees for each 600 sq.ft.
 - No rain water runoff shall be discharged directly into Hopkins Creek. It shall, instead, be directed overland so as to encourage infiltration.

James M. Long
Deputy Zoning Commissioner
of Baltimore County

JML:ibg

February 13, 1986

James M. Long
ADMINISTRATIVE ASSISTANT

PETITIONER(S) EXHIBIT (6)



PETITIONER(S) EXHIBIT (5)



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 5, 1989

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-46-A
W/S Oak Avenue, 300' N Middleborough Road
212 Oak Avenue
15th Election District - 5th Councilmatic
Petitioner(s): Benjamin F. O'Neal, et ux
HEARING SCHEDULED: THURSDAY, AUGUST 10, 1989 at 11:00 a.m.

Variances: to allow a building lot with a width of 50 ft. and a side yard setback of 8 ft. in lieu of the required 55 ft. and 10 ft., respectively.

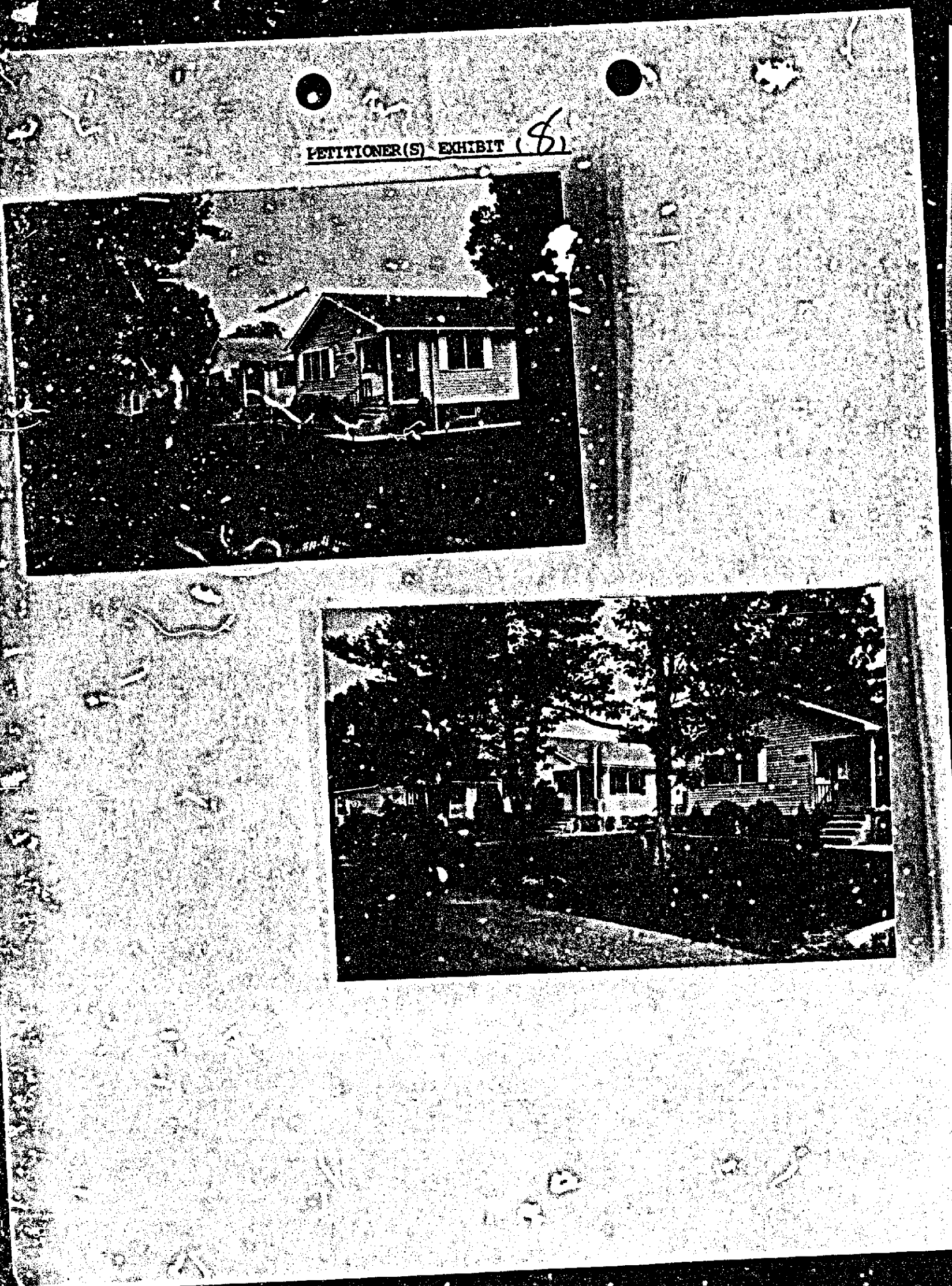
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:igs

cc: Mr. & Mrs. O'Neal
James C. Brennan, Esq.
File

ORDER RECEIVED FOR FILING
DATE January 13, 1986
BY [Signature]



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner DATE: July 24, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Benjamin and Barbara O'Neal, Item 504
Zoning Petition No. 90-46-A

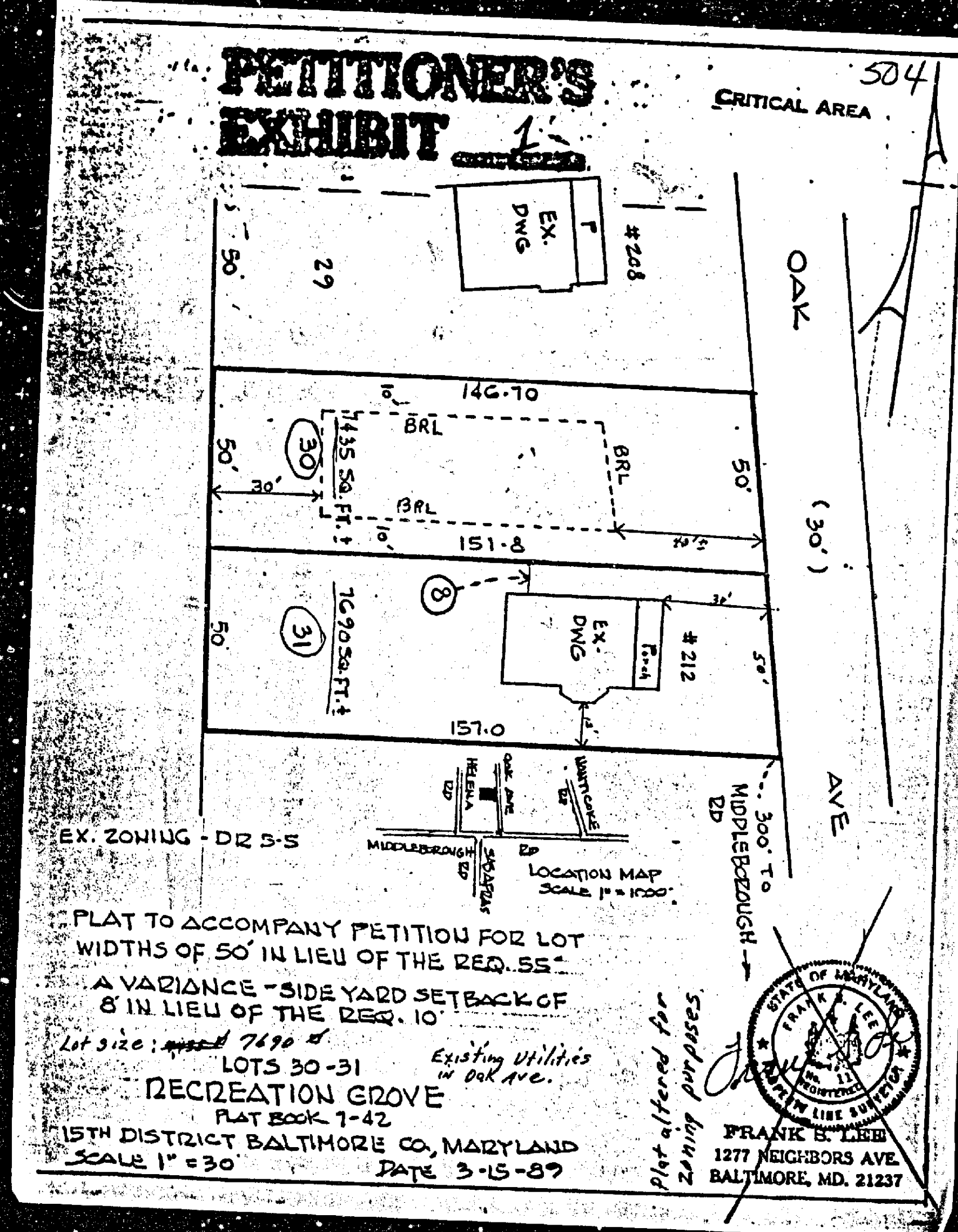
The applicant is requesting consideration to establish lot sizes of 50 feet in width rather than 55 feet and variances to respective side yards where required. In reference to these requests, staff provides the following information:

- In instances such as these, staff's primary concerns are:
1. What is the impact on adjoining property?, and
 2. Are adequate front, side, and rear yard setbacks being provided on the site?, and
 3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if any of the requests are granted, the following conditions be attached.

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.
- Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusions of Law," provided by the applicant.

PK/sf



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE _____

Mrs. Benjamin F. O'Neal
212 Oak Avenue
Baltimore, Maryland 21221

Petition for Zoning Variance
CASE NUMBER: 90-46-A
415 Oak Avenue, 300' N Middleborough Road
15th Election District - 5th Councilmanic
Petitioner(s): Benjamin F. O'Neal, et ux
HEARING SCHEDULED: THURSDAY, AUGUST 10, 1989 at 11:00 a.m.

Dear Mr. & Mrs. O'Neal:

Please be advised that \$ 117.35 is due for advertising and posting of the above-captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

NO. 074603

AMOUNT \$ 117.35

RECEIVED BY BENJAMIN F. O'NEAL

DATE 8-1-89

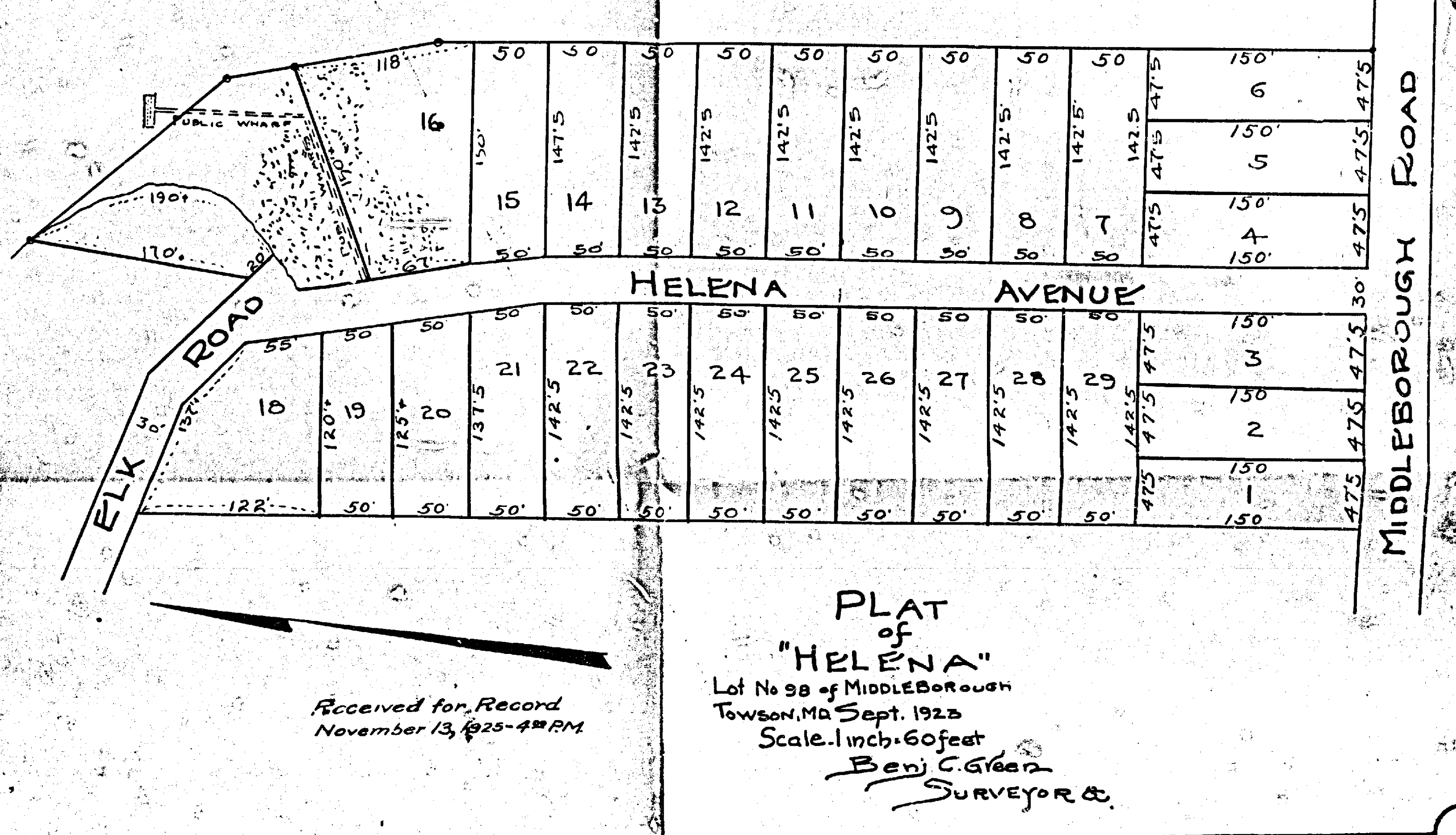
90-46-A

FILE

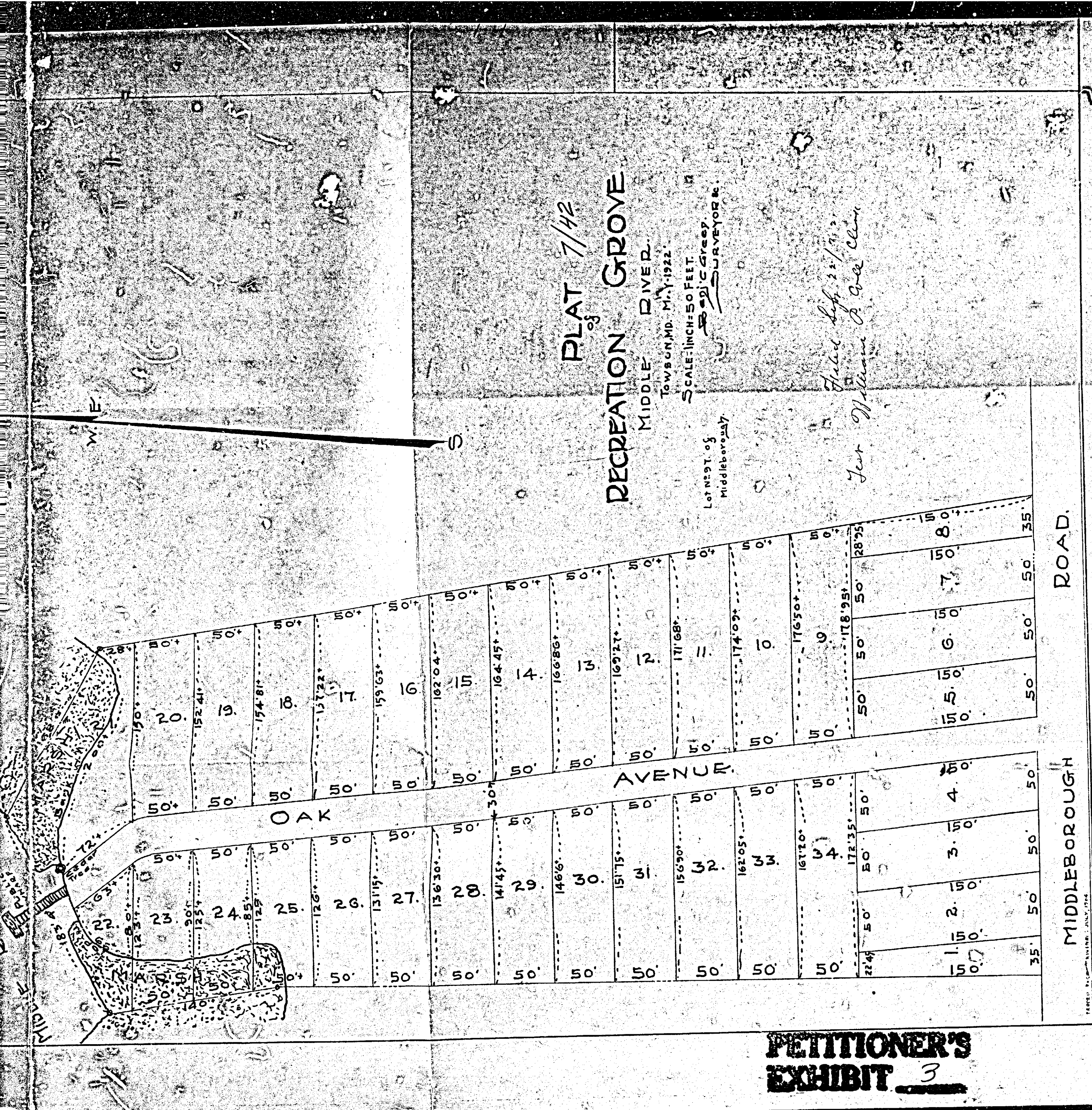
Maryland. Bring the County Office Building fifteen (15) minutes before the hearing. Post set(s), there is a fee for each such set.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th
Posted for: Variance
Petitioner: Benjamin F. O'Neal, et ux
Location of property: 415 Oak Ave, 300' N Middleborough Rd
212 Oak Ave
Location of Sign: Along Oak Ave, approx 25' from Midway, property of Petitioner
Remarks: None
Signed by: [Signature] Date of return: 7/21/89
Number of Signs: 1



PETITIONER'S EXHIBIT



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 2, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

James C. Brennan, Esquire
825 Eastern Boulevard
Baltimore, MD 21221

RE: Item No. 504, Case No. 90-46-A
Petitioner: Benjamin F. O'Neal, et ux
Petition for Zoning Variance

Dear Mr. Brennan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 687-3391.

Very truly yours,

James C. Brennan
James C. Brennan
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Benjamin F. O'Neal
212 Oak Avenue
Baltimore, MD 21221

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: July 31, 1989

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 504
O'Neal Property
Chesapeake Bay Critical Area Findings

RECEIVED
AUG 8 1989
ZONING OFFICE

SITE LOCATION

The subject property is located at 212 Oak Road off Middleborough Road in Recreation Grove. The site is within the Chesapeake Bay Critical Area and is classified as a limited development area (LDA).

APPLICANT'S NAME Mr. and Mrs. Benjamin F. O'Neal

APPLICANT PROPOSAL

The applicant has requested a variance from section 1B02.3.C.1 of the Baltimore County Zoning Regulations to allow a buildable lot with a width of 50 feet and a side yard setback of 8 feet in lieu of the required 55 feet and 10 feet respectively.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

<COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines
July 31, 1989
Page 3

5. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: There is no proposed construction on this lot and therefore no additional impervious surfaces will be created. However, the property has existing impervious surfaces that sum to 30% of the lot and therefore any future construction would not be approved.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project shall be approved.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCP:jw
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman R. Lauenstein
The Honorable Dale T. Volz

Memo to Mr. J. Robert Haines
July 31, 1989
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.

Findings: This property is located approximately 600 feet from Hopkins Creek, and therefore is in compliance with the regulation stated above.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." <Baltimore County Code Sec. 22-98>

Findings: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site and therefore none will be disturbed by the proposed project.

3. Regulation: "If no forest or developed woodland exists on a developed site these sites shall be planted to provide forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)>.

Findings: The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: twelve items - ball and burlap or 2 gallon container size

Tree list: six items - ball and burlap 1 - 1.5 inch caliper

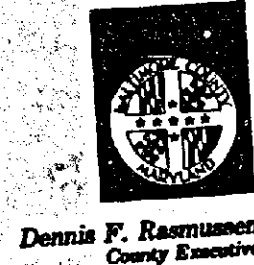
4. Regulation: "Infiltration of storm water shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Sec. 22-217(a)2>.

Findings:

- a. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
- b. Rooftop runoff shall be directed through down-spouts and into a Dutch drain or seepage pit to encourage maximum infiltration (see attached information).

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this
7th day of June, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Brennan
Chairman,
Zoning Plans Advisory Committee

Petitioner: Benjamin F. O'Neal, et ux
Petitioner's Attorney: James E. Brennan

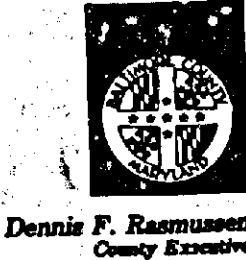
MICROFILMED

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
(301) 887-3354

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

July 24, 1989

RECEIVED
AUG 3 1989
ZONING OFFICE



Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number
407, 417, 502, 503, 504, 505, 506, 507, 508, 509, 510 and 512.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

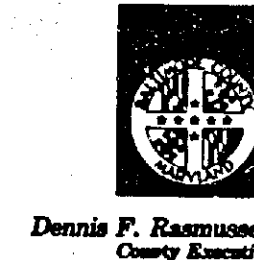
MSF/lab

MICROFILMED

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2536
(301) 887-4500
Paul H. Reicks
Chief

JUNE 12, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



RE: Property Owner: BENJAMIN F. O'NEAL

Location: #210 OAK AVENUE

Item No.: 504

Zoning Agenda: JUNE 6, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site
shall comply with all applicable requirements of the National Fire
Protection Association Standard No. 101 "Life Safety Code", 1988
edition prior to occupancy.

RFVIEWER: *Capt. Tom Bradley* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KER

MICROFILMED

JUN 14 1989

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 20, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 6, 1989

The Developers Engineering Division has reviewed
the subject zoning items and we have no comments for
Items 502, 503, 505, 506, 507, 509, and 512.

For items 417 and 510 the previous County Review
Group comments are still valid.

Comments are attached for item 407.

For item 504, Oak Avenue shall ultimately be improved
as a 30-foot street cross-section on a 50-foot right-of-way.

For item 508, parking should not be set up to back
out onto future Craddock Lane.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:ms

Enc1.

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PLANT ASSOCIATION: UPLAND MOIST

NAME	RELATIVE ABUNDANCE
VEGETATIVE STRATA - SHRUBS AND SMALL TREES	
<i>Asimina triloba</i>	(Paw Paw) Abundant
<i>Amelanchier canadensis</i>	(Canadian Serviceberry) Abundant
<i>Amelanchier laevis</i>	(Serviceberry) Abundant
<i>Amelanchier obovatis</i>	(Obovate Serviceberry) Abundant
<i>Clethra alnifolia</i>	(Sweet Pepperbush) Abundant
<i>Cornus ananum</i>	(Silky Dogwood) Local
<i>Cornus florida</i>	(Flowering Dogwood) Freq. Abund.
<i>Gaylussacia frondosa</i>	(Huckleberry) Abundant
<i>Ilex opaca</i>	(American Holly) Abund.-Freq.
<i>Itea virginica</i>	(Tassel-White) Infrequent
<i>Kalmia angustifolia</i>	(Lamb-Kill) Abundant
<i>Kalmia latifolia</i>	(Mountain Laurel) Abundant
<i>Leucochoe racemosa</i>	(Fetter-Bush) Abundant
<i>Lindera benzoin</i>	(Common Spicebush) Frequent
<i>Lyonia ligustrina</i>	(Male-Berry) Frequent
<i>Myrica pensylvanica</i>	(Bayberry) Abundant
<i>Prunus serotina</i>	(Black Cherry) Local
<i>Prunus virginiana</i>	(Choke Cherry) Infrequent
<i>Rhododendron nudiflorum</i>	(Pinkster Flower)

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PLANT ASSOCIATION: UPLAND MOIST (Continued)

NAME	RELATIVE ABUNDANCE
<i>Rhus glabra</i>	(Smooth Sumac) Freq. (Early Succession)
<i>Rubus hispidus</i>	(Swamp Dewberry) Frequent
<i>Rubus occidentalis</i>	(Wild Black Raspberry) Frequent
<i>Sambucus canadensis</i>	(Elder) Frequent
<i>Vaccinium angustifolium</i>	(Low Sweet Blueberry) Frequent
<i>Vaccinium corymbosum</i>	(Highbush Blueberry) Abundant
<i>Viburnum acerifolium</i>	(Maple-Leaved Arrowhead) Frequent
<i>Viburnum prunifolium</i>	(Black Haw) Frequent
VEGETATIVE STRATA - TREES	
<i>Acer rubrum</i>	(Red Maple) Abundant
<i>Betula nigra</i>	(River Birch) Local
<i>Carya glabra</i>	(Pignut Hickory) Frequent
<i>Celtis occidentalis</i>	(Hackberry) Frequent
<i>Diospyros virginiana</i>	(Common Persimmon) Local
<i>Fagus grandifolia</i>	(American Beech) Frequent
<i>Fraxinus americana</i>	(White Ash) Frequent
<i>Juglans nigra</i>	(Black Walnut) Frequent
<i>Juniperus virginiana</i>	(Red Cedar) Abund. (Early Succession)
<i>Liquidambar styraciflua</i>	(Sweet Gum) Abundant
<i>Liriodendron tulipifera</i>	(Yellow Poplar) Abundant

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PLANT ASSOCIATION: UPLAND MOIST (Continued)

NAME	RELATIVE ABUNDANCE
<i>Magnolia virginiana</i>	(Sweet Bay Magnolia) Frequent
<i>Nyssa sylvatica</i>	(Black Gum) Abundant
<i>Populus grandidentata</i>	(Swamp Poplar) Infrequent
<i>Populus deltoides</i>	(Cottonwood) Infrequent
<i>Quercus alba</i>	(White Oak) Abundant
<i>Quercus phellos</i>	(Willow Oak) Frequent
<i>Quercus prinus</i>	(Chestnut Oak) Abundant
<i>Quercus rubra</i>	(Red Oak) Abundant
<i>Sassafras albidum</i>	(Sassafras) Abundant

Source: Baltimore County Office of Planning and Zoning, May 1987

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